

**IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD**

TUESDAY, THE FIRST DAY OF JUNE,
TWO THOUSAND AND FOUR

: PRESENT:

THE HON'BLE MR. JUSTICE: **C.Y. SOMAYAJULU**

CIVIL REVISION PETITION No. **2593 of 2004**

(Petition under Article 227 of Constitution of India to revise the order of the court of the Senior Civil Judge, Addanki Passed in I.A. No. 401 of 2003 in O.S. No. 17 of 2003 dated 25-03-2004)

Between:

1. Gudipudi Samuel S/o Sessaiah
2. Gudipudi Seshagirirao S/o Samuel
3. Gudipudi Jagajjevan S/o Samuel

Petitioners/Defendants

AND

1. Domathoti @ Gudupudi Chinnamma (Died)
2. Domathoti Nagaraju S/o Peter Paul

Respondents

The petition coming on for orders as to admission upon perusing the petition and Grounds filed herein and upon hearing the arguments of **Mr. Satyanarayana Nimmagadda**, Advocate for the Petitioners and the Court made the following :

ORDER:

This Civil Revision Petition is preferred questioning the order dated 25-03-2004 in I.A. No. 401 of 2003 in O.S. No. 17 of 2003 on the file of the Court of the Senior Civil Judge, Addanki, allowing the Petition to bring the second respondent on record as the legal representative of the deceased first respondent, in spite of the objection raised by the revision petitioners that the Will dated 20-05-2003 relied on by the second respondent is a forged document, without recording a finding on the genuineness of the said Will.

Since the Petitioners are said to be relying on a Will said to have been executed by the husband of the deceased first respondent and since the second respondent is also relying on a Will dated 20-05-2003 said to have been executed by the first respondent in his favour, and since the truth and genuineness of those Wills has to be decided, this revision petition is disposed of with a direction to the trial court to consider the genuineness of the Will dated 20-05-2003 relied on by the second respondent and also the Will relied on by the Petitioners, at the time of disposal of the suit, after affording an opportunity to the parties to adduce evidence in proof of those Wills. No costs.

ASSISTANT REGISTRAR

// TRUE COPY //

for ASSISTANT REGISTRAR

To

1. The Senior Civil Judge, Addanki, Prakasam District
2. Two CD Copies,
3. One CC to Mr. N. Satyanarayana, Advocate (OPUC)

Skm

HIGH COURT

DATE: 1-6-2004

ORDER

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C.R.P.No. 2593 of 2004

CRP IS DISPOSED OF WITH DIRECTION

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HIGH COURT

**DRAFTED BY : SKM
DRAFTED ON : 7-6-2004**

CYS,J

DATE: 1-6-2004

ORDER

**C.R.P.No. 2593 of
2004**

**CRP IS DISPOSED OF WITH
DIRECTION**